

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 9 April 2024

DOCKET NUMBER: AR20230008224

APPLICANT REQUESTS: in effect, the correction of her DA Form 5016 (Retirement Accounting Statement) to award her:

- 27 points for Retirement Year Ending (RYE) 19 October 2018 based on Electronic Based Distributed Learning (EBDL)
- 4 points for retirement year ending 19 October 2019 based on EBDL

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DA Form 1380 (Record of Individual Performance of Reserve Duty Training) for April, May and July 2018
- DA Form 1380 for June, August and September 2018
- DA Form for September 2018
- DA Form 1380 for October and November 2018
- DA Form 1059 (Service School Academic Evaluation Report)
- Joint Forces Staff College (JFSC) Memorandum, Subject: Record of Course Hours for the Joint and Combined Warfighting School-Hybrid (JCWS-H) Distance Learning Education Program for Calculation of Reserve Retirement Points
- JFSC training certificate

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states in effect, she requests the correction of her DA Form 5016 to award her retirement points for the completion of distance learning phases one and three of the JCWS-H course. This is a course for Professional Military Education (PME) instruction taught by the JFSC which was previously known as the Advanced Joint PME. When the name of the course was changed the U. S. Army Reserve Command (USARC) G-3 inadvertently dropped the course from the EBDL list. This error caused

her submission of DA Forms 1380 to be paid under the EBDL policy to be rejected for ineligibility. In 2021, she learned that USARC added the JCWS-H to the EBDL list with retroactive effective dates and she could now request retirement points for the course completion. She should be awarded 54 retirement points for RYE 19 October 2018 and 8 retirement points for RYE 19 October 2019 for a total of 62 retirement points for the course completion.

3. A review of the applicant's service record shows:

a. On 28 September 1993, after having enlisted service in the Regular Army, the applicant executed her oath of office and was appointed a Reserve commissioned officer with a subsequent call to active duty.

b. The applicant was honorably released from active duty on 10 December 1996 and assigned to the U.S. Army Reserve (USAR) Troop Program Unit. DD Form 214 (Certificate of Release or Discharge from Active Duty) shows the applicant completed 4-years and 24-days of active service.

c. On 12 October 2018, Orders Number T-10-823437, issued by the U.S. Army Human Resources Command, the applicant was ordered to Active Duty for Training (ADT), effective 4 November 2018 for 13-days to attend the JCWS-H.

d. On 27 February 2023, Orders Number 4088431, issued by the Military Intelligence Readiness Command, the applicant was assigned to the USAR Control Group (Retired Reserve), effective 30 June 2023.

e. DA Form 5016 dated 28 February 2024 shows in RYE:

- 19 October 2018 – 59 Inactive Duty Training (IDT) points, 15 membership points, and 26 ADT points for a total of 100 creditable points
- 19 October 2019 – 64 IDT points, 15 membership points, and 23 ADT points for a total of 102 creditable points

4. The applicant provides:

a. DA Form 1380 dated 22 February 2019 which shows the applicant completed 8-hours of duty for 2 paid retirement points for EBDL on:

- 6 through 12 April 2018 – JCWS-H, Foundations of Unified Action I (FUA I)
- 17 through 20 May 2018 – JCWS-H, Theater Campaign Planning (TCP)
- 1 July 2018 – JCWS-H, Crisis Action Planning (CAP)

DA Form 1380 was digitally signed by Colonel (COL) J- R-, Assistant Chief of Staff (ACoS) G-2 as the officer who had knowledge the applicant completed the duty. The date the document was signed is illegible.

b. DA Form 1380 dated 22 February 2019 which shows the applicant completed 8-hours of duty for 2 paid retirement points for EBDL on:

- 28 through 30 June 2018 – JCWS-H, CAP
- 19 through 25 August 2018 – JCWS-H, FUA II
- 24 through 25 September 2018 – JCWS-H, Contingency Planning Course

DA Form 1380 was digitally signed by COL J- R-, ACoS G-2 as the officer who had knowledge the applicant completed the duty. The date the document was signed is illegible.

c. DA Form 1380 dated 22 February 2019 which shows the applicant completed 8-hours of duty for 2 paid retirement points for EBDL on 26 through 28 September 2018 – JCWS-H, Contingency Planning Course (CNP).

DA Form 1380 was digitally signed by COL J- R-, ACoS G-2 as the officer who had knowledge the applicant completed the duty. The date the document was signed is illegible.

d. DA Form 1380 dated 22 February 2019 which shows the applicant completed 8-hours of duty for 2 paid retirement points for EBDL on:

- 29 through 31 October 2018 – JCWS-H, CNP
- 1 November 2018 – JCWS-H, CNP

DA Form 1380 was digitally signed by COL J- R-, ACoS G-2 as the officer who had knowledge the applicant completed the duty. The date the document was signed is illegible.

e. DA Form 1059 which shows the applicant completed the JCWS-H during the period of 13 February through 16 November 2018. The course not only included resident phases but also approximately 252-hours of on-line distance learning to satisfy the requirement for the Joint PME II for Joint Qualified Officer Level III.

f. JFSC Memorandum dated 3 August 2018, Subject: Record of Course Hours for the JCWS-H Distance Learning Education Program for Calculation of Reserve Retirement Points which stated the JFSC offered a 40-weeks program to satisfy the educational requirements to qualify for the Joint Qualification Level III. The program occurred in four phases:

- Phase I (Distance Learning (DL)) during weeks 1 through 14 covered: FUA I and TCP
- Phase II resident during week 15 covered F2F I
- Phase III DL during weeks 16 through 38 covered: CAP, FUA II and CNP
- Phase IV during weeks 39 through 40 covered F2F II

The students participated in on-line training for a minimum of 7-hours per week with additional time spent on reading, research and assignments. The memorandum along with the course completion certificate should be provided to their respective personnel service center for the awarding of retirement points.

g. National Defense University JFSC certificate which shows the applicant completed the requirements for the JCWS – JPME Phase II during the period of 12 February through 16 November 2018.

5. On 8 January 2024, in the processing of this case, HQs, U.S. Army Reserve Command provided an advisory opinion regarding the applicant's request to be awarded retirement points for attending the JCWS. The advisory official stated after a review of the applicant's documents, she should be awarded 30 points based on 1 point for every 8-hours of distance learning. Retirement points for EBDL was not allowed after 2016. However, assuming she would have been compensated, this meets the intent of the change in the regulation.

6. On 14 March 2024, the advisory official revised the advisory opinion by stating the applicant should be awarded 31 points bases on 1 point for every 8-hours of distance learning.

7. On 11 January 2024, the Army Review Boards Agency, Case Management Division provided the applicant the advisory opinion for review and comment. She did not respond.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant contends the DA Forms 1380 for points only were not added to her record and that the error was caused by a change in the name of the distance learning course. According to the submitted DA Form 1380, the applicant completed the training. The Board was persuaded by her argument that administrative errors occurred in not timely and properly processing her retirement points. The Board also agreed with the USARC determination that she should be awarded 30 points based on 1 point for every 8-hours of distance learning. Retirement points for EBDL was not allowed after 2016. However,

assuming she would have been compensated, this meets the intent of the change in the regulation. The Board determined that administrative relief is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by awarding the applicant 30 qualifying retirement points, based on her submitted DA Forms 1380, provided all other criteria is met.

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I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Army Regulation 140-185 (Training and Retirement Point Credits and Unit Level Strength Accounting Records), prescribes policy for USAR training and retirement point credit.

a. Paragraph 2-1 (Criteria for crediting retirement points), the limitations on the number of points which may be credited to a Soldier during a retirement year area. Maximum-365 (366 during leap year) points. Maximum for IDT 60 points for IDT and membership points. However, Annual or Terminal Statement of Retirement Points will report all points earned. Retirement points credited for activities other than active service or funeral honors may not exceed 130 retirement points for anniversary years closing on or after 30 October 2007. IDT will be either 4 hours in length for one retirement point or 8 hours in length for two retirement points, with the exception of the 2 hour IDT funeral honors duty.

b. Paragraph 2-2 (Criteria for earning retirement points) states retirement points may be earned by USAR Soldiers for active duty or duty in an active status for ADT, Initial Active Duty for Training (IADT), involuntary active duty for training (involuntary ADT), voluntary IDT, annual training (AT), IDT, membership points, and for other training of individual Soldiers in a non-pay status.

c. Paragraph 2-4 (Criteria for awarding retirement points), personnel on AD, ADT, IADT, involuntary ADT, or AT are awarded 1 point for each calendar day they serve in one of these categories and may not be awarded additional points for other activities while in such status. Table 2-1 provides criteria for award of retirement points for IDT performed in accordance with AR 140-1 (unless another reference is cited). Most types of IDT are covered by one of the following rules on required duration of IDT and calendar day limitations on points.

- Four-hour rule; Soldiers earn one point for each scheduled 4-hour period of IDT at Battle Assembly, Rescheduled Training (RST), Equivalent Training, or Additional Training Assemblies
- Four/eight-hour rule; Soldiers earn one point for each 4 hour or greater period, award of a second point in the same day requires additional hours to bring the day's total to a minimum of 8 hours for a maximum of two points in 1 calendar day

- Eight-hour rule. Approved EBDL courses will be awarded to members of the SELRES (TPU); Subject to available funding, and as pre-approved, Soldiers may earn one retirement point and be paid for one IDT for every 8 hours of distance learning completed.

d. Table 2-1 (Award of IDT retirement points) rule 5; performs EBDL utilizing ATAs, a Selected Reserve Soldier may be awarded points under the 4-hour/8-hour rule, only 12 ATAs authorized per anniversary year.

e. Paragraph 3-3 (DA Form 1380), DA Form 1380 will be prepared for a unit Soldier who performs ET or additional training with their unit subsequent to the scheduled BA. TPU units will retain one copy of the DA Form 1380 to post the appropriate entry into ADARS for the month's report and then place in the appropriate Army records information management system file. Non-paid DA Forms 1380 will not be entered into ADARS and will be forwarded to HRC for award of retirement points no later than the end of each duty month.

f. Table 3-1 provides that the code "N" will be entered for RST. The code "N" indicates the Soldier is entitled to retirement point credit only.

3. Department of Defense Instruction (DoDI) 1215.07 (Service Credit for Non-Regular Retirement) states inactive duty may be credited for each attendance at an inactive duty training period. A maximum of 2 retirement points for attendance at inactive duty training periods or equivalent training, in any 1 calendar day. The Service member's participation is without payment other than the pay to which the Service member is entitled as a Reserve Component member. Credit no more than one retirement point for fewer than 8 hours.

//NOTHING FOLLOWS//